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VIA ECF

Hon. Colleen McMahon
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

November 29, 2021

12/2/2021
Granted

Re: *S.A. v. N.Y.C. Dep't of Educ.*, 21-7434 (CM)(RWL)

Dear Judge McMahon:

MEMO ENDORSED

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq., as well as for this action.

I write to respectfully request a 30-day extension of Defendant's time to respond to the complaint, from November 30 to December 30. Further, we also respectfully request an adjournment of the court conference presently set for December 2 to a date following the answer due date convenient for the Court. We have not received plaintiff's counsel's consent to these requests, as we anticipate the holidays have impacted office hours for the Dayan firm. Mr. Dayan has graciously consented to many recent similar requests our office has made. This is the second request for an extension of the time to answer and the first for an adjournment of the conference. The first extension for defendant to respond to the complaint was filed on September 30 (ECF No. 9) and granted by Your Honor on October 1 (ECF No. 10).

The requested extension should provide Defendant with sufficient time to obtain settlement authority from the New York City Comptroller's Office and fully resolve this action. As with many similar fees-only cases brought by the Dayan firm, we are hopeful that the parties will settle this matter without the need for Court intervention.

Accordingly, Defendant respectfully requests a 30-day extension of its time to respond to the complaint to February 27, 2022, and an adjournment of the conference to a date following the due date of the answer convenient for the Court, with a next status letter due by January 4, 2022.

Thank you for considering these requests.

Respectfully submitted,

/S/

Peter L. Germanakos
Special Assistant Corporation Counsel

cc: Adam Dayan, Esq. (via ECF)